IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUIT NO. 939 OF 2005

Vinod Shantilal Shah .. Plaintiff

vs.

Sunil Bipinchandra Shah

& Anr. .. Defendants.

Mr. V.K. Gupta for the plaintiff.

None for defendants.

CORAM : S.U.KAMDAR, J.

DATE : 20th February, 2006

P.C.

. The present suit is filed on the basis of a writing Exhibits A and B to the plaint. The claim is for the sum of Rs. 4,88,697/-. Under the said writing the defendants have agreed to repay the amount in instalments. Inspite of the same no payment has been made except the first instalment. Affidavit of service dated 30.9.2005 is filed by the plaintiff. The same is taken on record. Inspite of the service, none appears for the defendants. The plaintiffs have tendered the compilation of original documents. The same is taken on record and marked A collectively. There shall be decree for the sum of

Rs. 4,88,697/- along with further interest at the rate of 12% simple interest from the date of the suit till payment and/or realisation. Refund as per rules.